

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE BOARD OF TEACHING

In the Matter of the Proposed  
Revocation of the Teaching  
License of Jay David Pratt

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION**

The above-entitled matter came on for hearing before Administrative Law Judge Steve M. Mihalchick at 9:30 a.m. on December 2, 1998, at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota. Martha J. Casserly, Assistant Attorney General, Suite 1200, NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, appeared by telephone on behalf of the Board of Teaching. There was no appearance by or on behalf of the Respondent, Jay David Pratt, 720 W. 61<sup>st</sup>, Odessa, Texas, 79764. The record in this matter closed on December 2, 1998.

This Report is a recommendation, not a final decision. The Board will make the final decision after a review of the record. The Board may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations contained herein. Pursuant to Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact Michael L. Tillmann, Acting Executive Director, Minnesota Board of Teaching, 608 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, to ascertain the procedure for filing exceptions or presenting argument.

**STATEMENT OF ISSUE**

The issue in this contested case proceeding is whether or not the Respondent's teaching license should be revoked for failure to return a fingerprint card as required by the Board in accordance with Minn. Stat. § 122A.18, subd. 8(a)(1) (formerly Minn. Stat. § 125.05, subd. 8(a)(1)).

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

## **FINDINGS OF FACT**

1. The Notice of and Order for Hearing in this matter was served upon the Respondent, Jay David Pratt, by first class mail on November 4, 1998, at his last known address, which is 720 W. 61<sup>st</sup>, Odessa, Texas, 79764.

2. The Notice of and Order for Hearing mailed to the Respondent included the following notice: "SHOULD A PARTY FAIL TO APPEAR AT HEARING, THE ALLEGATIONS MADE IN THIS ORDER MAY BE TAKEN AS TRUE." (Emphasis in original).

3. The Respondent did not file any Notice of Appearance with the Administrative Law Judge or make any prehearing request for a continuance or any other relief. The Respondent did not appear at the hearing scheduled for December 2, 1998, or have an appearance made on his behalf.

4. Because the Respondent failed to appear at the hearing in this matter, he is in default. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice of and Order for Hearing are hereby taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

## **CONCLUSIONS**

1. The Administrative Law Judge and the Board of Teaching have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50, 122a.18, and 214.10 and Minn. R. 8700.0700.

2. The Board has given proper notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law or rule.

3. Any Findings of Fact more properly termed Conclusions of Law are hereby adopted as such.

4. Based upon the conduct of the Respondent and his failure to submit a fingerprint card as described in the Notice of and Order for Hearing, the Board is authorized to take adverse action against the Respondent's teaching license.<sup>[1]</sup>

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

## **RECOMMENDATION**

IT IS HEREBY RESPECTFULLY RECOMMENDED that disciplinary action be taken against the teaching license of Jay David Pratt.

Dated this    th day of December, 1998

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STEVE M. MIHALCHICK  
Administrative Law Judge

**NOTICE**

Pursuant to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.

Reported: Default.

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<sup>[1]</sup> See Minn. Stat. §§ 214.10 and 122A.18, subd. 8(a)(1).